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5 Attorney for Claimant  
**MARIE ARREDONDO**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

10 UNITED STATES OF AMERICA, ) Case No. 12-cv-1029-LAB(WMC)  
11 Plaintiff, )  
12 v. )  
13 ONE 2007 CADILLAC ESCALADE, ) MARIE ARREDONDO'S  
14 CA LICENSE NO. 6NJA222, ) ANSWER TO COMPLAINT  
15 VIN: 1GYFK63817R296249, ) FOR FORFEITURE AND  
16 ITS TOOLS AND APPURTENANCES, ) DEMAND FOR JURY TRIAL  
17 Defendant. )

17 COMES NOW the Claimant, MARIE ARREDONDO, and in answer to Plaintiff's Complaint  
18 for Forfeiture, hereby responds, alleges, and otherwise pleads as follows:

19       1.     Claimant denies each and every allegation set forth in Paragraph 1. of the Complaint  
20 for Forfeiture in the conjunctive as well as the disjunctive.

21       2.     Claimant admits each and every allegation set forth in Paragraph 2. of the Complaint  
22 for Forfeiture in the conjunctive as well as the disjunctive.

23       3. Answering Paragraph 3. of the Complaint, Claimant has no information or  
24 belief sufficient to enable her to answer the allegations contained therein, and basing her denial on  
25 that ground, denies each and every allegation contained therein in the conjunctive as well as the  
26 disjunctive.

27       5. Answering Paragraph 5. of the Complaint, Claimant has no information or  
28 belief sufficient to enable her to answer the allegations contained therein, and basing her denial on

1 that ground, denies each and every allegation contained therein in the conjunctive as well as the  
2 disjunctive.

3       6.      Claimant denies each and every allegation set forth in Paragraph 6. of the  
4 Complaint for Forfeiture in the conjunctive as well as the disjunctive.

5       7.      Claimant denies each and every allegation set forth in Paragraph 7. of the  
6 Complaint for Forfeiture in the conjunctive as well as the disjunctive.

7                   **AFFIRMATIVE DEFENSE(S)**

8                   **FIRST AFFIRMATIVE DEFENSE**

9                  For a further and separate answer to the Complaint, Claimant alleges the subject Complaint as  
10 pled fails to state facts sufficient to constitute a cause of action against the defendant property.

11                   **SECOND AFFIRMATIVE DEFENSE**

12                  For a further and separate answer to the Complaint, Claimant alleges plaintiff lacked probable  
13 cause for the institution of the forfeiture action.

14                   **THIRD AFFIRMATIVE DEFENSE**

15                  For a further and separate answer to the Complaint, Claimant alleges that the forfeiture in this  
16 case is disproportionate, and is a violation of the Eighth Amendment to the United States  
17 Constitution.

18                   **FOURTH AFFIRMATIVE DEFENSE**

19                  For a further and separate answer to the Complaint, Claimant allege Claimant's ownership  
20 interest (legal and/or beneficial) is not forfeitable in the property by reason that any and all acts or  
21 omissions alleged as the basis for forfeiture have been committed or omitted without the knowledge  
22 or consent of Claimant (i.e. Claimant was and is what is commonly referred to as an innocent owner).

23                   **FIFTH AFFIRMATIVE DEFENSE**

24                  For a further and separate answer to the Complaint, Claimant alleges that the searches which  
25 led to the seizure of the defendant vehicle violated the Fourth Amendment to the United States  
26 Constitution.

27                   **JURY DEMAND**

28                  Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure and general federal law,

1   ///

2   Claimant demands a trial by jury in connection with the subject action.

3           WHEREFORE, claimant prays for judgment as follows:

- 4           1. That the Complaint be dismissed with prejudice;  
5           2. That the subject properties be returned to Claimant;  
6           3. For reasonable attorney's fees herein and costs of suit; and  
7           4. For such other and further relief as the Court may deem just.

8   DATED: April 30, 2012

9           s/ Richard M. Barnett  
10          RICHARD M. BARNETT, ESQ.  
11          richardmbarnett@gmail.com

12           Attorney for Claimant  
13           MARIE ARREDONDO

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## **CERTIFICATE OF SERVICE**

I, RICHARD M. BARNETT, do hereby state:

That I am a citizen of the United States, over the age of eighteen years, and not a party to the  
within action.

That my business address is 105 West F Street, 4th Floor, San Diego, California.

That on April 30, 2012, I have caused service of Marie Arredondo's Answer to Complaint for Forfeiture and Demand Jury Trial on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies said party:

1. Bruce C. Smith, Assistant U.S. Attorney, Attorney for Plaintiff.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 30<sup>th</sup> day of April, 2012, at San Diego, California.

/s/ Richard M. Barnett  
**RICHARD M. BARNETT**